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BRINKS HOFER GILSON & LIONE/MARVELL P.O. BOX 10395 CHICAGO, IL 60610			SARPONG, AKWASI	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/826,738	BLEDSOE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	AKWASI M. SARPONG	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11/30/ 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4, 7-38, 43-48, 50, 51 and 54-64 is/are pending in the application.  
 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 7-38 and 43-46, 47-48, 50-51, 54-64 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 04/16/2004.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/2009 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1, 17, 27 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant claimed in Claims 1, 17, 27 and 30 the limitation " where a first state is associated with an inability to execute the software so that the print mechanism does not include the functionality" and also " a second state associated with an ability to execute the software so that the print mechanism include the functionality" However no where within the specification or drawings does applicant explains that a first or a second state of the print mechanism is

associated with the inability or ability of the print mechanism to perform some functionality. NB: applicant need to understand that a term described in the claims has to be supported in the specification or drawings.

3. Claims 2, 4, 7, 8, 18-29, 31-32, 38 and 43-46 are also rejected under 35 U.S.C. 112, first paragraph because they also depend on Claims 1, 17, 27 and 30.

4. Claims 47 and 56 are also rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant claimed in Claims 47 and 56 the limitation “control a state of operation of the functionality where a first state is associated with **a first capability level** of the functionality such that the print mechanism is operated in accordance with the first capability level”, and “the second state associated with an ability to execute the software so that the print mechanism includes **the modified capability level of the functionality**” however there is no where in the specification that the applicant explains that the first state is associated with a first capability level and a second state is associated with an ability to execute the software which includes the modified capability level of the functionality. Again as explained before applicant need to understand that a term described in the claims has to be supported in either the specification or drawings.

5. Claims 48-55 and 57-65 are also rejected under 35 U.S.C. 112, first paragraph because they also depend on Claims 47 and 56.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-8, 17-19, 26-28, 30-32, 43-46, 47-48, 50-51, 54-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Okubo (2003/0058471).

**Claim 1**, Okubo discloses a system (**Fig. 2 shows a print system**) comprising: a processor (**CPU 11 shown in Fig. 2**) and at least one memory (**memory 13 shown in Fig. 2**) comprising a software, (**Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system**) the software when executed performing a functionality for a print mechanism (**Section 0085, lines 1-12- thus the individual programs such as the print application is used to perform the print functionality**) the memory further comprising instructions executable by the processor to cause the processor to:

Control a state of operation of the functionality where a first state is associated with an inability to execute (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing operation**) the software so that the print mechanism does not include the functionality (**Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides**)

receive user selection information indicative of a selection of a second state, of operation of the functionality, (**Section 0071, lines 2-17- thus the user through PC 21 instructions image rendering commands which will call for an upgrade or a new program and therefore the users intention of rendering the commands indicates that the program news to be upgraded (Second state)**) the second state associated with an ability to execute the software so that the print mechanism includes the functionality; (**Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2**)

in response to receiving the user selection information, (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**) transmit first information indicative of the user selection to a server (**Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded**).

receive second information from the server in response to the first information, (**Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user**) where the second information enables execution of the software (**Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program**).

change the state of operation of the functionality from the first state to the second state using the second information from the server (**Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done and therefore the new program sent from server 7 is the second information)**

operate the print mechanism in accordance with the second state of operation of the functionality such that the print mechanism includes the functionality (**Section 0114, lines 13-18 thus after the upgrade or addition of the new program it is inherent that the print mechanism operates in accordance with the functionality of the new program).**

**Claim 2**, Okubo discloses wherein the first state comprises a disabled state of the functionality, (**Section 0088, lines 13-20- thus before the upgrade of program the capabilities or functionalities that comes with that particular upgrade is disabled**) and wherein the second state comprises an enabled state of the functionality. (**Section 0089- thus after there has been an upgrade or an addition of a program the functionality of the particular program is enabled and hence it can be used**).

**Claim 3, - (Cancelled)**

**Claims 5 – 6, (Cancelled).**

**Claim 7**, Okubo discloses wherein the instructions are executable by the processor to cause the processor to provide the first information associated with the user selection information to the server using an external interface (**Section 0083, lines 9-15- thus the request comes from the user through PC21 and the second information is send from server 7 and both PC21 and server 7 are all external to the MFP**) and receive the second information associated with the functionality of the print mechanism in response to providing the first information to the server. (**Section 0113, lines 8-10-thus a response is received from the server whether the upgrade is appropriate or not**)

**Claim 8**, Okubo discloses wherein the instructions are executable by the processor to cause the processor to provide the first information associated with the user selection information to the server by providing the first information to a computer system coupled to the external interface. (**Section 0083, lines 9-15- thus the instruction comes from the user through PC21 and sends to server 7 to request information**).

**Claim 9-16** - (Withdrawn).

**Claim 17**, Okubo discloses a method for performing a functionality for a print engine (**Print engine 23 shown in Fig. 11**) based on the execution of software; (**Fig. 3**

**shows clearly that memory 13 comprises of programs or software which are executed within the system)**

Control a state of operation of the functionality where a first state is associated with an inability to execute (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing operation**) the software so that the print mechanism does not include the functionality (**Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides**)

receive user selection information indicative of a selection of a second state, of operation of the functionality, (**Section 0071, lines 2-17- thus the user through PC 21 instructions image rending commands which will call for an upgrade or a new program and therefore the users intention of rending the commands indicates that the program news to be upgraded (Second state))** the second state associated with an ability to execute the software so that the print mechanism includes the functionality; (**Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2**)

receiving user selection information indicative of the second state of the print engine (**Section 0088, lines 8-12- thus the determination is made based on the information instructed by PC 21-hence this instruction is coming from a user through PC 21**)

in response to receiving the user selection information, (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**) transmitting first information indicative of the user selection to a server; (**Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded**).

receiving second information from the server in response to the first information, (**Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user**) where the second information enables execution of the software; (**Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program**) and changing the state of operation of the functionality from the first state to the second state using the second information from the server, (**Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgraded (first state) to upgraded mechanism (Second state)**).

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done).**

wherein the print engine operates in accordance with the second state of operation of the functionality such that the print engine includes the functionality, (**Section 0114, lines 13-18 thus after the upgrade or addition of the new program it**

**is inherent that the print mechanism operates in accordance with the functionality of the new program).**

**Claim 18**, Okubo discloses receiving a list of selectable functionalities from the server, **(Section 0082, lines 1-4 thus the functionalities will be a printer or copier application)** the list including the functionality selected by the user. **(the function selection unit 20 shown in Fig. 11 is used by the user to select either the printing function or copier function)**

**Claim 19**, Okubo discloses providing an interface for the user to select the functionality from the list. **(Function selecting Unit 20 shown in Fig. 11).**

**Claim 26**, Okubo discloses wherein changing the first state of the print engine to the second state comprises upgrading software or hardware. **(Section 0114, lines 7-22, thus the program is upgraded to increase its functionalities).**

**Claim 27**, Okubo discloses a method for performing a functionality for a functional unit **(MFP 1 shown in fig. 2)** based on the execution of software **(Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system)**

Controlling a state of operation of the functionality where a first state is associated with an inability to execute **(Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing**

**operation) the software so that the print mechanism does not include the functionality (Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides)**

receiving user selection information indicative of a second state of operation of the functionality, **(Section 0071, lines 2-17- thus the user through PC 21 instructions image rendering commands which will call for an upgrade or a new program and therefore the users intention of rendering the commands indicates that the program news to be upgraded (Second state))** the second state associated with an ability to execute the software so that the functional unit includes the functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2)**

in response to receiving the user selection information, transmitting first information indicative of the user selection to the server; **(Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded)**

receiving from the server second information in response to the first information, **(Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found and If it is appropriate for downloading) where the second information enables execution of the software; (Section 0114, lines 13-20- thus after it is determined that upgrade is**

**appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program).**

and changing the state of operation of the functionality from the first state to the second state using the second information from the server (**Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done and therefore the new program sent from server 7 is the second information)**

wherein the functional unit operates in accordance with the second state of operation of the functionality such that the print mechanism includes the functionality (**Section 0114, lines 13-18 thus after the upgrade or addition of the new program it is inherent that the print mechanism operates in accordance with the functionality of the new program).**

**Claim 28**, Okubo discloses wherein the functionality for the functional unit comprises a Facsimile capability. (**FIG. 18 shows that memory 413 has a program that supports Fax or facsimile)**

**Claim 29**, Okubo discloses wherein the functionality for the functionality unit comprises a scanner capability. (**Fig. 11 El 22 shows a scanner which is used as a scanner capability**).

**Claim 30**, Okubo discloses a system (**Fig. 2 shows a print system**) comprising; a processor; (**CPU 11 shown in Fig. 2**) and at least one memory (**memory 13 shown in Fig. 2**) comprising software, the software, (**Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system**) when executed, performing a functionality for a functional unit, (**Section 0085, lines 1-12- thus the individual programs such as the print application is use to perform the print functionality**)

the memory further comprising instructions executable by the processor to cause the processor to

Control a state of operation of the functionality where a first state is associated with an inability to execute (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing operation**) the software so that the print mechanism does not include the functionality (**Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides**)

receive user selection information indicative of a selection of a second state, of operation of the functionality, (**Section 0071, lines 2-17- thus the user through PC 21 instructions image rendering commands which will call for an upgrade or a new**

**program and therefore the users intention of rending the commands indicates that the program news to be upgraded (Second state))** the second state associated with an ability to execute the software so that the print mechanism includes the functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2)**

in response to receiving the user selection information, **(Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not)** transmit first information indicative of the user selection to a server **(Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded).**

receive second information from the server in response to the first information, **(Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user)** where the second information enables execution of the software; **(Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program).**

change the first state of the functional unit to the second state using the second information from the server; **(Section 0114, lines 7-13- thus after it is determined**

**that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done and therefore the new program sent from server 7 is the second information)**

and

operate the print mechanism in accordance with the second state of operation of the functionality such that the print mechanism includes the functionality (**Section 0114, lines 13-18 thus after the upgrade or addition of the new program it is inherent that the print mechanism operates in accordance with the functionality of the new program**).

**Claim 31**, Okubo discloses wherein the functionality comprises a facsimile function. (**FIG. 18 shows that memory 413 has a program that supports Fax or facsimile**).

**Claim 32**, Okubo discloses wherein the functionality comprises a scanner function. (**Fig. 11 El 22 shows a scanner which is used as a scanner capability**).

**Claim 35**, Okubo discloses wherein the functionality for the print mechanism comprises an upgraded level of software or an upgraded level of hardware. (**Section**

**0114, lines 7-22, thus the program is upgraded to increase its functionalities hence new upgraded functions are added)**

**Claim 36**, Okubo discloses wherein the functionality comprises at least one of performance capabilities, renewable capabilities, and upgrade capabilities. (**Section 0088, lines 13-20- thus Copier 1 has the capability to upgrade the programs in memory 13**)

**Claim 37**, Okubo discloses wherein the system comprises a printer with multiple hardware modules. (**fig. 11 shows print engine 23 that can perform printing capabilities and it also includes coping capabilities therefore it can both carry out printing and coping**)

**Claim 38**, Okubo discloses wherein the functionality comprises enabling at least one of the hardware modules. (**Fig. 8 shows that at a point in time either a printer or copier program is enabled**)

Claims 39-42 – (Withdrawn)

**Claim 43**, Okubo discloses a printer (**MFP 1 shown in Fig. 1 can print and therefore it is a printer**) with multiple hardware modules (**Fig. 2 shows different hardware modules**) that includes the discloses a method comprising:

Control a state of operation of the functionality where a first state is associated with an inability to execute (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing operation**) the software so that the print mechanism does not include the functionality

**(Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides)**

receive user selection information indicative of a selection of a second state, of operation of the functionality, **(Section 0071, lines 2-17- thus the user through PC 21 instructions image rendering commands which will call for an upgrade or a new program and therefore the users intention of rendering the commands indicates that the program needs to be upgraded (Second state))** the second state associated with an ability to execute the software so that the print mechanism includes the functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2)**

receiving user selection information indicative of the second state of the print engine **(Section 0088, lines 8-12- thus the determination is made based on the information instructed by PC 21-hence this instruction is coming from a user through PC 21)**

in response to receiving the user selection information, **(Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not)** transmitting first information indicative of the user selection to a server; **(Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded).**

receiving second information from the server in response to the first information, **(Section 0114, lines 7-18- thus the individual processing program is searched for**

**on the server 7 and a response as to whether the program can be found is sent back to the user) where the second information enables execution of the software; (Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program) and changing the state of operation of the functionality from the first state to the second state using the second information from the server, (Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgraded (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done).**

wherein the print engine operates in accordance with the second state of operation of the functionality such that the print engine includes the functionality, **(Section 0114, lines 13-18 thus after the upgrade or addition of the new program it is inherent that the print mechanism operates in accordance with the functionality of the new program).**

**Claim 44,** Okubo discloses wherein the functionality comprises enabling at least one of the hardware modules. **(Fig. 8 shows that at a point in time either a printer or copier program is enabled)**

**Claim 45**, Okubo discloses wherein the print engine operates within a printer with multiple hardware modules. (**fig. 2 shows that copier 1 has print engine 23 and it also has a plurality of modules like function unit 18 and function selecting 20**)

**Claim 46**, Okubo discloses wherein the functionality comprises enabling at least one of the hardware modules. (**Fig. 8 shows that at a point in time either a printer or copier program is enabled**).

**Claim 47**, Okubo discloses a system (**Fig. 2 shows a print system**) comprising: a processor; (**CPU 11 shown in Fig. 2**) and at least one memory (**memory 13 shown in Fig. 2**) comprising software, (**Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system**) the software, when executed, enabling a modified capability level of a functionality for a print mechanism, (**Section 0085, lines 1-12- thus the individual programs such as the print application is use to perform the print functionality**) the memory further comprising instructions executable by the processor to cause the processor to:

control a state of operation of the functionality where a first state is associated with a first capability level of the functionality (**Section 0113, lines 1-3- thus where no upgrades has be done to the MFP 1**) such that the print mechanism is operated in accordance with the first capability level, the first state being further associated with an inability to execute (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing operation**) the

software so that the print mechanism does not include the modified capability level of the functionality (**Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides**)

receive user selection information indicative of a second state of operation of the functionality, (**Section 0071, lines 2-17- thus the user through PC 21 instructions image rendering commands which will call for an upgrade or a new program and therefore the users intention of rendering the commands indicates that the program news to be upgraded (Second state)**) the second state associated with an ability to execute the software so that the print mechanism includes the modified capability level of the functionality; (**Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2**)

in response to receiving the user selection information, (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**) transmit first information indicative of the user selection to a server; (**Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded**).

receive second information from the server in response to the first information, (**Section 0114, lines 7-18- thus the individual processing program is searched for**

**on the server 7 and a response as to whether the program can be found is sent back to the user) where the second information enables execution of the software. (Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program).**

change the state of operation of the functionality from the first state to the second state using the second information from the server; **(Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done and therefore the new program sent from server 7 is the second information)**

and

operate the print mechanism in accordance with the second state of operation of the functionality such that the print mechanism includes the modified capability level of the functionality. **(Section 0114, lines 13-18 thus after the upgrade or addition of the new program it is inherent that the print mechanism operates in accordance with the functionality of the new program).**

**Claim 48**, Okubo discloses wherein the first state comprises a first level of performance (**Section 0088, lines 13-20- thus before the upgrade of program the MFP is at the first level of performance**) and wherein the second state comprises a second level of performance. (**Section 0089- after it has been upgraded then it goes into second level of performance**)

**Claim 50**, Okubo discloses wherein the instructions are executable by the processor to cause the processor to provide the first information associated with the user selection information to the server using an external interface (**Section 0083, lines 9-15- thus the request comes from the user through PC21 and the second information is send from server 7 and both PC21 and server 7 are all external to the MFP**) and

receive the second information associated with the functionality of the print mechanism in response to providing the first information to the server. (**Section 0113, lines 8-10-thus a response is received from the server whether the upgrade is appropriate or not**)

**Claim 51**, Okubo discloses wherein the instructions are executable by the processor to cause the processor to provide the first information associated with the user selection information to the server by providing the first information to a computer system coupled to the external interface. (**Section 0083, lines 9-15- thus the request comes from the user through PC21 and the second information is send from server 7 and both PC21 and server 7 are all external to the MFP**) and

**Claim 54**, Okubo discloses wherein the functionality for the print mechanism comprises software or hardware. (**Section 0088, lines 13-20- thus the downloaded program is a software and it has to get its hardware for it to work**)

**Claim 55**, Okubo discloses wherein the functionality comprises at least one of performance capabilities and upgrade capabilities for the print mechanism. (**Section 0113, lines 1-4- thus the new functions are upgrade capabilities which increases the capabilities of the printer**)

**Claim 56**, Okubo discloses a method for enabling a modified capability level of functionality for a print engine (**Fig. 2 shows a printer which has a print engine**) based on the execution of software (**Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system**) comprising:

controlling a state of operation of the functionality where a first state of operation of the functionality is associated with an inability to execute (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing operation**) the software so that the print engine does not include the modified capability level of the functionality (**Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides**)

receiving user selection information indicative of a second state of operation of the functionality, (**Section 0071, lines 2-17- thus the user through PC 21 instructions image rendering commands which will call for an upgrade or a new**

**program and therefore the users intention of rending the commands indicates that the program news to be upgraded (Second state))** the second state associated with the ability to execute the software so that the print engine includes the modified capability level of the functionality; (**Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2**)

in response to receiving the user selection information, (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**) transmitting first information indicative of the user selection to a server (**Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded**).

receiving second information from the server in response to the first information, (**Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user**) where the second information enables execution of the software; (**Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program**).

and

changing the state of operation of the functionality from the first state to the second state using the second information from the server, (**Section 0114, lines 7-13-**

**thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state)).**

wherein the print engine operates in accordance with the second state of operation of the functionality such that the print engine includes the modified capability level functionality. (**Section 0114, lines 7-13- thus the printer will function according to the new programs or the upgraded functions).**

**Claim 57**, Okubo discloses that the method further comprising receiving a list of selectable functionalities from the server, the list including the second state of operation of the functionality selected by the user. (**Section 0114 lines 7-13- thus since the server is searched for the upgraded program it means that the new functions are selectable from the server**)

**Claim 58**, Okubo discloses that the method further comprises providing an interface for the user to select the second state of operation of the functionality from the list. (**Section 0116, lines 7-10- thus instructions send from PC 21 for the enhancement as well upgraded and therefore the user use PC 21 send the instruction which means that there is an interface for the user to use).**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 20-25, 33-34, 49, 52-53, 59, 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okubo (2003/0058471) in view of Fujitani (20010034747).

**Claim 4**, Okubo discloses all the limitations in Claim 1 but does not disclose wherein the second information comprises an encryption key.

Fujitani discloses wherein the second information (**Section 0045, lines 8-14- thus the information inputted by the user includes identifications or password or PIN code of the user**) comprises an encryption key (**thus is the key (information provided) matches then a requested print process proceeds**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier 6 or MFP 1 to include Fujitani's input unit 114 as clearly shown in Fig. 2 so that users will be able to input their ID's for confirmation before a print job can proceed. The motivation for this modification is to avoid unauthorized users getting confidential documents.

**Claim 20**, Okubo discloses all the limitations in claim 1 but does not disclose providing an interface for the user to enter the payment information.

Fujitani discloses providing an interface for the user to enter the payment information. (**Fig. 7 shows an interface that is used by the user to select or enter**

**payment information such as how payment is going to be made- please see section 0043, lines 14-18).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier to include fujitani's user interface as shown in Fig. 7 so that the user can select how he wants payment to be made. This will enable the user to have a preferred way to make his payment.

**Claim 21,** Okubo in view of Fujitani discloses providing the payment information (**Fujitani: Section 0043, lines 14-18- thus the user input how payment is going to be made**) to the server (**Okubo: Server 7-please see Section 0033**).

**Claim 22,** Okubo in view of Fujitani discloses receiving second information associated with the functionality from the server in response to providing the user selection information (**Okubo: Section 0112- thus the user uses function selecting unit 20 to select either a copier or a printer mode**) and the payment information (**Fujitani: Section 0043, lines 14-18- thus the user input how payment is going to be made**) to the server (**Okubo: Server 7-please see Section 0033**).

**Claim 23,** Okubo discloses all the limitation in Claim 1 but does not disclose further comprising receiving payment information associated with the user selection information from the user.

Fujitani discloses receiving payment information associated with the user selection information from the user. (**Fujitani: Section 0043, lines 14-18- thus the user input how payment is going to be made and thus the payment information is**

**received before the confirmation can be made).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier 6 or MFP 1 to include Fujitani's input unit 114 as clearly shown in Fig. 2 so that users will be able to input their ID's for confirmation before a print job can proceed. The motivation for this modification is to avoid unauthorized users getting confidential documents.

**Claim 24,** Okubo discloses all the limitations in Claim 17 but does not disclose wherein the functionality comprises a modified level of a print speed of the print engine.

Fujitani discloses wherein the functionality comprises a modified level of a print speed of the print engine. **(Fujitani: Section 0053, lines 5-8 and Claim 62- thus the user selects the speed that he wants the printer to print- hence the user can print at a selected print speed).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier and the MFP so that users can change the print speed and this will enable the user to have an input as to how fast the document will be printed.

**Claim 25,** Okubo discloses all the limitations in Claim 17 but does not disclose wherein the functionality comprises a modified level of a print resolution of the print engine. Fujitani discloses wherein changing the first state of the print engine to the second state comprises changing a print resolution of the print engine. **(Section 0053, lines 7-9- thus the user has to select between the two levels of resolution that the printer can print and therefore the resolution can be changed from one resolution**

**to another).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier or MFP to include Fujitani's print resolution interface so that user can change the resolution of the printer. this will let users have different resolutions at which the document can be printed.

**Claim 33,** Okubo in view of Fujitani discloses wherein the functionality for the print mechanism comprises a print speed. (**Fujitani: Section 0053, lines 5-8 and Claim 62- thus the user selects the speed that he wants the printer to print- hence the user can print at a selected print speed).**

**Claim 34,** Okubo in view of Fujitani discloses wherein the functionality for the print mechanism comprises a print resolution. (**Section 0053, lines 7-9- thus the user has to select between the two levels of resolution that the printer can print and therefore the resolution can be changed from one resolution to another)**]

**Claim 49,** Okubo discloses all the limitations in Claim 1 but does not disclose wherein the second information comprises an encryption key.

Fujitani discloses wherein the second information (**Section 0045, lines 8-14- thus the information inputted by the user includes identifications or password or PIN code of the user**) comprises an encryption key (**thus is the key (information provided) matches then a requested print process proceeds**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier 6 or MFP 1 to include Fujitani's input unit 114 as clearly shown in Fig. 2

so that users will be able to input their ID's for confirmation before a print job can proceed. The motivation for this modification is to avoid unauthorized users getting confidential documents.

**Claim 52**, Okubo discloses all the limitations in Claim 47 but does not disclose wherein the functionality comprises a modified level of a print speed of the print engine.

Fujitani discloses wherein the functionality comprises a modified level of a print speed of the print engine. **(Fujitani: Section 0053, lines 5-8 and Claim 62- thus the user selects the speed that he wants the printer to print- hence the user can print at a selected print speed)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier and the MFP so that users can change the print speed and this will enable the user to have an input as to how fast the document will be printed.

**Claim 53**, Okubo discloses all the limitations in Claim 47 but does not disclose wherein the functionality comprises a modified level of a print resolution of the print engine. Fujitani discloses wherein changing the first state of the print engine to the second state comprises changing a print resolution of the print engine. **(Section 0053, lines 7-9- thus the user has to select between the two levels of resolution that the printer can print and therefore the resolution can be changed from one resolution to another)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier or MFP to include Fujitani's print

resolution interface so that user can change the resolution of the printer. this will let users have different resolutions at which the document can be printed.

**Claim 59**, Okubo discloses all the limitations in claim 56 but does not disclose receiving payment information associated with the user selection information from the user.

Fujitani discloses receiving payment information associated with the user selection information from the user.

. (Fig. 7 shows an interface that is used by the user to select or enter payment information such as how payment is going to be made- please see section 0043, lines 14-18). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier to include fujitani's user interface as shown in Fig. 7 so that the user can select how he wants payment to be made. This will enable the user to have a preferred way to make his payment.

**Claim 60**, Okubo discloses all the limitations in claim 59 but does not disclose providing the payment information to the server.

Fujitani discloses providing the payment information to the server.

. (Fig. 7 shows an interface that is used by the user to select or enter payment information such as how payment is going to be made- please see section 0043, lines 14-18). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier to include fujitani's user

interface as shown in Fig. 7 so that the user can select how he wants payment to be made. This will enable the user to have a preferred way to make his payment

**Claim 61**, Okubo discloses the method further comprising receiving second information (**Section 0114, lines 7-13- thus the new program**) associated with the second state of operation of the functionality from the server in response to providing the user selection information (**Section 0114, lines 7-18 thus the new program is retrieved from server 7**) but does not disclose wherein the payment information to the server.

Fujitani discloses wherein the payment information is provided to the server. (**Fig. 7 shows an interface that is used by the user to select or enter payment information such as how payment is going to be made- please see section 0043, lines 14-18**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier to include fujitani's user interface as shown in Fig. 7 so that the user can select how he wants payment to be made. This will enable the user to have a preferred way to make his payment

**Claim 62**, Okubo discloses all the limitations in claim 59 but does not disclose providing an interface for the user to enter the payment information.

Fujitani discloses providing an interface for the user to enter the payment information. (**Fig. 7 shows an interface that is used by the user to select or enter**

**payment information such as how payment is going to be made- please see section 0043, lines 14-18).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier to include fujitani's user interface as shown in Fig. 7 so that the user can select how he wants payment to be made. This will enable the user to have a preferred way to make his payment.

**Claim 63,** Okubo discloses all the limitations in Claim 53 but does not disclose wherein the functionality comprises a modified level of a print resolution of the print engine. Fujitani discloses wherein changing the first state of the print engine to the second state comprises changing a print resolution of the print engine. (**Section 0053, lines 7-9- thus the user has to select between the two levels of resolution that the printer can print and therefore the resolution can be changed from one resolution to another).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier or MFP to include Fujitani's print resolution interface so that user can change the resolution of the printer. this will let users have different resolutions at which the document can be printed.

**Claim 64,** Okubo discloses all the limitations in Claim 56 but does not disclose wherein the functionality comprises a modified level of a print resolution of the print engine. Fujitani discloses wherein changing the first state of the print engine to the second state comprises changing a print resolution of the print engine. (**Section 0053, lines 7-9- thus the user has to select between the two levels of resolution that the**

**printer can print and therefore the resolution can be changed from one resolution to another).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier or MFP to include Fujitani's print resolution interface so that user can change the resolution of the printer. this will let users have different resolutions at which the document can be printed.

### ***Response to Arguments***

1. Applicant's arguments filed 11/30/2009 have been fully considered but they are not persuasive.

#### **Regarding 112 rejections:**

Applicant claims that the provided amendment resolves the 112 rejection however Examiner respectfully disagree.

**In reply,** Examiner has discussed in detail have the amended claims causes another 112 problems for the claims.

#### **Regarding 103 rejections:**

Regarding Claim 1, applicant argues that the cited reference fails to disclose causing a processor to operate a print mechanism in a first state of operation.

**In reply,** Examiner respectfully disagrees because Okubo discloses a state where the program or software in memory 13 needs upgrade or needs to be replaced.( Please see Section 0113, lines 1-12) Hence the first state is where the program has

not been upgraded this means that the functionalities that comes with the upgrade of the program is disallowed or disabled. (**Please see Section 0113, lines 12-17**)

Hence when the program is upgraded then copier 1 enters into second state where the function that comes with the upgrade is available to the copier. Understand that when the program already in memory can also support a printing and copying only, when the program is upgraded into faxing then afterwards the copier can fax as well.

**(Please see Fig. 18 where Program 4 and parameter 4 is added as new to memory 413).**

Again applicant argues that Okubo fails to disclose at least one memory comprising software, the software when executed performing a functionality for the print mechanism the memory further comprising instructions executable by the processor to cause the processor to:

control a state of operation of the functionality where a first state is associated with an inability to execute the software so that the print mechanism does not include the, functionality.

In reply, Examiner respectfully disagree because Okubo clearly discloses the software when executed performing a functionality for a print mechanism (**Section 0085, lines 1-12- thus the individual programs such as the print application is used to perform the print functionality**) the memory further comprising instructions executable by the processor to cause the processor to:

Control a state of operation of the functionality where a first state is associated with an inability to execute (**Section 0113, lines 1-10, thus the first state is when**

**there has not been any upgrades or enhancement to the image processing operation) the software so that the print mechanism does not include the functionality (Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides)**

Applicant further argues that Okubo fails to teach receiving user selection information indicative of a "second state" of operation where the second state enables execution of the software so that the print mechanism includes the functionality.

In reply, Examiner respectfully disagree because receive user selection information indicative of a selection of a second state, of operation of the functionality, **(Section 0071, lines 2-17- thus the user through PC 21 instructions image rendering commands which will call for an upgrade or a new program and therefore the users intention of rendering the commands indicates that the program news to be upgraded (Second state))** the second state associated with an ability to execute the software so that the print mechanism includes the functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2)**

Regarding claims 17, 27 and 30 applicant argues that Okubo fails to disclose functionality for a functional unit based on the execution of software, controlling a state of operation of the functionality where a first state is associated with an inability to execute the software so that the functional unit does not include the functionality, and receiving user selection information indicative of a second state of operation of the

functionality where the second state is associated with an ability to execute the software so that the functional unit includes the functionality.

In reply, Examiner respectfully disagree because Okubo discloses very clearly performing a functionality for a functional unit (**MFP 1 shown in fig. 2**) based on the execution of software (**Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system**)

Controlling a state of operation of the functionality where a first state is associated with an inability to execute (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing operation**) the software so that the print mechanism does not include the functionality (**Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides**)

receiving user selection information indicative of a second state of operation of the functionality(**Section 0071, lines 2-17- thus the user through PC 21 instructions image rendering commands which will call for an upgrade or a new program and therefore the users intention of rendering the commands indicates that the program news to be upgraded (Second state)**) the second state associated with an ability to execute the software so that the functional unit includes the functionality; (**Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2**)

***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2625

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